

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Examiner: James William Rogers

DesNoyer et al.

Art Unit: 1618

Serial No: 10/750,139

Filed: June 3, 2004

For: Poly(Ester Amide) Coating
Composition For Implantable
Devices

Mail Stop: **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

SUMMARY OF THE CLAIMED SUBJECT MATTER

Dear Sir:

This communication responds to the Office Communication mailed on March 20, 2008, in connection with the Appeal Brief filed on March 3, 2008.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Claims 1-11, 53, and 54 are drawn to methods of forming a coating on an implantable device.

Claims 12-22, 55 and 56 are drawn to a coating composition.

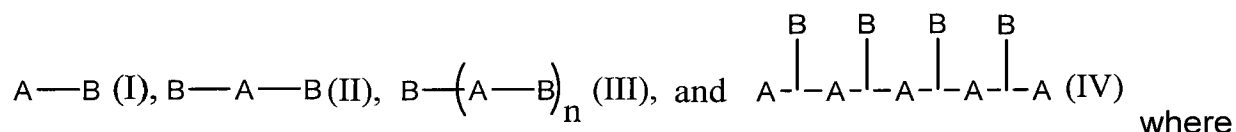
Claims 23-44, 57 and 58 are drawn to an implantable device.

Claims 45-52 are drawn to a method of treating a disorder.

Claims 1, 8, 12, 19, 23, and 30 are independent claims. Claim 4, which is also argued, depends from claim 1. The subject matter of these claims is discussed below.

Claim 1 defines a method for forming a poly(ester amide) (PEA) coating with enhanced mechanical and release rate properties. The method comprises the acts of: applying to an implantable device a solution or suspension of a composition comprising a PEA and a low surface energy, surface blooming polymer, and forming a coating on the implantable device comprising PEA and the low surface energy, surface blooming polymer. The low surface energy, surface blooming polymer comprises a PEA miscible block or PEA miscible backbone.

Claim 4 depends from claim 1 and further defines the low surface energy polymer as being one of formulae I-IV of the following structure:



A is the PEA miscible block or PEA miscible backbone, and B is a surface blooming block or a surface blooming pendant group. A is further defined to be, among others, poly(ester-urea) urethane, poly(ether-urethane), poly(ester-urethane), poly(carbonate-urethane), poly(silicone-urethane), or poly(urea-urethane). B is one of a linear or branched alkyl chain, polysilanes, polysiloxanes, poly(dimethylsiloxane), a linear or branched perfluoro chain, and a combination thereof.

Claim 8 defines a method for forming a poly(ester amide) (PEA) coating with enhanced mechanical and release rate properties. The method comprises the acts of applying to an implantable device a solution or suspension of a composition comprising a PEA and at least one low surface energy polymer additive, and forming a coating on the implantable device comprising PEA and the at least one low surface energy polymer

additive. The at least one low surface energy polymer additive comprises a PEA miscible block or PEA miscible backbone.

Claim 12 defines a coating composition for coating an implantable device. The coating composition comprises a poly(ester amide) (PEA) and a low surface energy, surface blooming polymer. The low surface energy, surface blooming polymer comprises a PEA miscible block or PEA miscible backbone.

Claim 19 defines a coating composition for coating an implantable device comprising a poly(ester amide) (PEA) and at least one low surface energy polymer additive. The at least one low surface energy polymer additive comprises a PEA miscible block or PEA miscible backbone.

Claim 23 defines an implantable device comprising a coating which comprises a poly(ester amide) (PEA) and a low surface energy, surface blooming polymer. The low surface energy, surface blooming polymer comprises a PEA miscible block or PEA miscible backbone.

Claim 30 defines an implantable device comprising a coating which comprises a poly(ester amide) (PEA) and at least one low surface energy polymer additive. The at least one low surface energy polymer additive comprises a PEA miscible block or PEA miscible backbone.

Support for claims 1 and 4 can be found at least at least at page 6, lines 11 to 20; page 7, line 10 to page 8, line 3; page 9, lines 1-7; and page 14, line 20 to page 16, line 2.

Support for claim 8 can be found at least at least at page 6, line 11 to page 7, line 9; page 9, lines 1-7; and page 14, line 20 to page 16, line 2.

Support for claim 12 can be found at least at least at page 6, lines 11 to 20; page 7, line 10 to page 8, line 3; page 9, lines 1-7; and page 14, line 20 to page 16, line 2.

Support for claim 19 can be found at least at least at page 6, line 11 to page 7, line 9 and page 9, lines 1-7.

Support for claim 23 can be found at least at least at page 6, lines 11 to 20; page 7, line 10 to page 8, line 3; page 9, lines 1-7; and page 17, lines 3-22.

Support for claim 8 can be found at least at least at page 6, line 11 to page 7, line 9; page 9, lines 1-7; and page 17, lines 3-22.

The complete claim set as currently entered is provided in the **Claims Appendix**.

Appellants therefore respectfully request that the Board reverse the rejections and order the application to be passed to issue.

Date: March 27, 2008

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Respectfully submitted,

/ZLI/

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